REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to the Final Office Action mailed on November 16, 2007, and further in response to the Advisory Action mailed on February 4, 2008. Claims 1-56 are rejected. In this Amendment, claims 1, 17, and 33 have been amended. No new matter has been added. Claims 41-56 have been canceled. Claims 57-61 have been added. Therefore, claims 1-40 and 57-61 are presented for examination.

Rejections under 35 U.S.C. § 101

Claims 41-56 stand rejected under 35 U.S.C. § 101 because Examiner asserts that the claimed invention is not limited to tangible embodiments. The claims have been canceled.

Rejections under 35 U.S.C. § 112

Claims 1, 17, 28, 33, 36, 41, 51 and 53 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Office Action states that, "The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Check suite applied to two or more previously selected machines having different operating systems." (Office Action, 11/16/07, page 3).

Applicants respectfully disagree with the Examiner, and submit that a checksuite applied to two or more previously selected machines having different operating systems is described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. Applicants direct examiner to paragraphs [0042]-[0043] of the specification, which define a check and a checksuite, and disclose that in one

embodiment a checksuite includes multiple groupings of checks that are targeted to multiple particular operating systems and/or software programs. (Specification, paragraphs [0043]-[0043]). Moreover, FIG. 3 illustrates one embodiment of deployment of multiple checksuites across multiple networked computers. (Specification, paragraphs [0045]-[0047]; FIG. 3). Other embodiments that also describe applying checksuites to multiple machines are shown in FIG. 4, FIG. 5 and FIG. 6a-6c. (Specification, paragraphs [0063]-[0085]); FIG. 4, FIG. 5, FIG. 6a-6c). Accordingly, applicants respectfully request that examiner remove his rejection under 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. § 103

Claims 1-32 and 41-50 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moulden, Jr., et al., (U.S. Publication No. 2006/0206870, hereinafter "Moulden") in view of Brooks et al. (US Publication No. 2003/0212982, hereinafter "Brooks").

Moulden does not teach the limitations of a check suite applied to two or more previously selected machines having different operating systems. Brooks also fails to teach such a limitation. Therefore independent claims 1, 17, 33, and 57 which include a limitation of the check suite applied to two or more previously selected machines having different operating systems, are patentable over the combination of Moulden and Brooks.

The current office action states:

> But Moulden failed to teach the claim limitation wherein the check suite applied to two or more previously selected machines having different operating systems.
> However, Brooks teaches message compiler for internationalization of application programs (see abstract). Brooks teaches the limitation wherein the check suite applied to two or more previously selected machines having different operating systems (page 1, paragraph 7-8; page 3, paragraph 24).

(Office Action, 11/16/2007, page 4).

Applicant respectfully disagrees with examiner's assertion that Brooks teaches a checksuite applied to two or more previously selected machines having different operating systems. Brooks teaches a system that facilitates translation of application programs between languages (e.g., French, English, etc.). To perform translation, a message file for an application program is translated by a user, and the translated message file is compiled and re-linked to message source objects of the application program. (Brooks, paragraph [0098]). The application program of Brooks is compiled for use **on a specific operating system**. To develop the application program for multiple operating systems, a separate application program is compiled for each operating system. In contrast, claims 1, 17, 33 and 57 include a limitation of the checksuite applied to two or more previously selected machines having different operating systems.

The passages cited by Examiner as teaching a checksuite applied to two or more previously selected machines having different operating systems are reproduced below:

[0007] Computers are pervasive in most developed societies today. Personal computers ("PC"), handheld and laptop PCs, use of Web browsers and Web servers, Web-enabled wireless telephones, and personal digital assistants ("PDA") are prevalent in everyday life in many parts of the world. Almost all of these computing systems run an "operating system," which facilitates the development, installation, and execution of application programs such as word processors, databases, electronic mail, and Web browsers.

[0008] Such computing systems have a configurable "run environment," which includes certain definitions and options ("run environment variables") for the operating system and application programs which it may execute. One common definition is the language option for the basic operating system messages, such as English, French, Spanish or German. Application programs often use some operating system facilities to help adapt or configure their user interfaces to the "system" language option, but application programs often must provide much of the language specific user interface functionality themselves.

[0024] Further, the quality control processes of such highly modularized program architectures has become unwieldy and unrealistic. Reasonable assumptions as to the computing platform environment and user interface options can no longer be made in order to reduce a test suite to a realistic magnitude of combinations. For example, just about any personal

computer and operating system can be configured through installation choices and environment variables to provide one of many user interface languages, and just about any application program can be configured during installation to provide a matching language user interface. So, if a particular word processor application program supports 10 different user interface languages and it is to be thoroughly tested on a range of computer platforms which also support those 10 languages, at minimum 100 combinations of installation must be verified for a full suite of functionality. Compounding this problem is that most international markets enjoy multiple versions of multiple operating systems, as well, such as Microsoft's Windows® (e.g., Windows 6.1, 95, 98, 2000, NT, ME, etc.), Apple's MacOS® (e.g., OS 4, 5, 6, 8, etc.), and countless number of variants of UNIX and Linux.

(Brooks, paragraphs [0007], [0008], and [0024]).

Although the Office Action has provided column and line number citations to Brooks, there is no analysis of how or why the claims are asserted to be anticipated by the disclosure of Brooks. Moreover, such is not self-evident by the disclosure of Brooks, in particular because Brooks does not describe checksuites, checks, or application of check suites to multiple machines (whether the machines have the same or different operating systems). Therefore, applicant respectfully requests that the Examiner provide an analysis of how he is reading the claim limitations onto the disclosure of Brooks.

Although it is unclear what language of Brooks the Examiner is purporting to disclose a checksuite applied to two or more previously selected machines having different operating systems, it appears that the Office Action may be attempting to interpret Brook's disclosure of a test suite as the "checksuite," and development of application programs for different operating systems as "application of a checksuite to multiple machines having different operating systems." It is respectfully submitted that such an interpretation is inapposite.

The test suite as described in Brooks is a list of operating systems (including versions of operating systems) and languages (e.g., French, English, etc.) for which an application program will be compiled and tested. An appropriate distinct application program is tested separately for each language, operating system, and version. For example, a first application

program may be compiled and tested for operation on Windows XP® in English, and a separate and distinct second application may be separately compiled and tested for operation on OSX® in French. The test suite of Brooks is not the same as a checksuite, nor is it something that can be applied to multiple machines having different operating systems. Therefore, Brooks fails to teach a checksuite applied to two or more previously selected machines having different operating systems.

Neither Moulden nor Brooks, alone or in combination, teach or suggest all of the features of independent claims 1, 17, 33 or 57. Accordingly, applicant respectfully submits that independent claims 1, 17, 33 and 57, and their dependent claims, are patentable over the cited references, and request that the rejection under 35 U.S.C. § 103(a) be removed.

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Conclusion

Applicant respectfully requests the withdrawal of the rejections, and submits that pending claims 1-40 and 57-61 are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Benjamin Kimes at (408) 720-8300.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

Dated: _____02/14/2008_____   /Benjamin A. Kimes/_____
Benjamin A. Kimes
Attorney for Applicant
Registration No. 50,870

1279 Oakmead Parkway
Sunnyvale, CA 94085-4040
(408) 720-8300

Customer No. 008791